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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Advanced Television Systems
and Their Impact Upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

TO: The Commission

VENTURE TECHNOLOGIES GROUP'S REPLY COMMENTS
ON THE SIXTH NOTICE OF PROPOSED RULEMAKING

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These reply comments on the Commission's Sixth Further Notice of Proposed Rule Making (FCC 96-207, released August 14, 1996) ("Notice"), are submitted on behalf of Venture Technologies Group and its associated broadcasting and cable companies and clients, including full-service television broadcasters, low power television broadcasters, noncommercial television broadcasting companies, cable television multisystem operators, and cable television programmers ("VenTech").^{1/} VenTech has forged this consensus from different industries in order to aid in the process for upgrading the public's full service and low power broadcast television service while using the spectrum most effectively. Several comments have been filed in response to the notice by "umbrella groups," made up either many companies in a single industry, such as the Broadcast Caucus, but VenTech is the only respondent to the Notice that is made up of a consortium of agreeing entities with interests in the three major industries that will be affected by this rulemaking -- full service television, low power television, and cable television.

I. INTRODUCTION.

The Commission is seeking reply comments on a variety of issues regarding DTV in the Notice, some of which are of a public policy nature, some of which are regarding

^{1/} For ease of reference, these comments refer to signatories as "VenTech," which represents and is a signatory of this document on behalf of Venture Technologies Group, associated companies and clients, who are television broadcasters, cable television multisystem operators, and low power television station, including W54BQ, channel 54, Providence, Rhode Island; WBTL-LP, channel 5, Toledo, Ohio; W69CL, channel 69, Hartford, Connecticut; KPHZ-LP, channel 58, Phoenix, Arizona; KNET-LP, channel 38, Los Angeles, California; WBPA-LP, channel 29, Pittsburgh, Pennsylvania; WHTV, channel 18, Jackson, Michigan; KSFV-LP, channel 24, San Fernando Valley, California; KTAZ-LP, channel 25, Tucson, Arizona; K31CK, channel 31, Tucson, Arizona; WTWB-TV, channel 19, Johnstown, Pennsylvania; K38DY, channel 38, Calabasas, California; K69HJ, channel 69, Phoenix, Arizona; W30BH, Birmingham, Alabama; KBCB, Bellingham, Washington; On-Line Public Educational Network for the 21st Century, Inc., an applicant for several noncommercial television construction permits, and CalaVision Cable, Los Angeles, California. These comments represent the consensus of the signatories but all signatories may not subscribe to each point.

technical standards, and some of which are regarding changes in the proposed DTV Table of Allotments. VenTech has reviewed the filings of most of the commenters and hereby has analyzed the comments. The consensus of all the signatories upon whom VenTech represents is that the DTV policies should be revisited with a change in public policy, technical standards, and the DTV Table of Allotments in order to include LPTV into the family of broadcasting in the 21st century.

**II. COMMENTS OF THE BROADCASTERS CAUCUS: POWER
LIMITATIONS ON DTV STATIONS SHOULD BE GREATLY LIMITED.**

NTSC grade B coverage should be used as the basis for determining equivalent DTV power at the station's height. For UHF stations, NTSC coverage should not be adjusted for channel, the +/- 2.3dB dipole factor is relatively small among all factors affecting coverage, and may be partly offset by variations in antenna gain. NTSC coverage should be assumed to be the same on any UHF channel. The power of DTV stations should be adjusted across the band to compensate for dipole factor. While a slight reduction in received NTSC signal strength will only degrade the picture, a reduction in DTV signal level may cause total loss of reception.

The maximum power of DTV facilities should be limited to about 500 kW to avoid causing excessive amounts of interference. VHF stations whose Grade B contours exceed the coverage areas of their UHF facilities may utilize on-channel boosters to cover areas not served by the main DTV transmitter. All stations may utilize such facilities for coverage fill in.

**III. COMMENTS OF THE BROADCASTERS CAUCUS:
ARBITRARY PLANNING FACTORS SHOULD BE ELIMINATED.**

Arbitrary planning factors such as, numeric channel choices, or specific minimum separations, and economic factors such as high or low channel position, should not be given UHF priority over preserving existing LPTV or translator stations, or over preserving unused TV assignments.

Where displacement of an existing LPTV or translator station is necessary, a replacement channel should be determined in consultation with the stations.

The basic minimum separation between co-channel NTSC and DTV stations should be a non-overlap of service contours. Where terrain is a limiting factor in coverage, some overlap may be permitted.

In certain cases, particularly in the northeast United States, sufficient channels to replicate all existing stations may not be available. In such cases, replication can be achieved by utilizing two channels, with each directionalized to protect existing stations. For example, channels 17 and 18 might be used at New York with channel 17 protecting Philadelphia and Channel 18 protecting Hartford.

We concur with the broadcasters on the preservation and full use of all television bands and channels at least through the end of the DTV transition, more channels available for full use mean more signal available to more viewers and less disruption to all broadcasters, including LPTV and translator stations. The assignment process must remain open and subject to adjustments to accommodate the largest number of users.

**IV. COMMENTS OF BROADCASTERS CAUCUS:
CHANGES IN THE PROPOSED DTV TABLE OF ALLOTMENTS.**

After reading comments, VenTech is confident that the entire DTV Table of Allotments should be abandoned until the conclusion of a governing set of rules on transmission criteria and standards. In the Southern California area, VenTech proposes the basis for the development of a new table of allotments, which can be used in the event that the Commission does not abandon its attempt to create a complete DTV Table of Allotments at this time. This proposed table, included at Exhibit A, is based upon comments from the Broadcasters Caucus, individual broadcasters in Southern California, and Mexican broadcasting companies. It allows for greater spectral efficiency, including protection of Mexican channels, preservation of LPTV stations, no overlap of co-channel NTSC and DTV signals in the crucial signal inducting area north of Los Angeles along the coastline toward Santa Barbara. In the proposal, Channel 38 is no longer used for DTV in the Los Angeles region, thus preserving viewable signal on NTSC Channel 38 in Santa Barbara and five LPTV stations operating on channel 38 in Southern California.

The attached table, included at Exhibit A, of NTSC and paired DTV assignments covers Southern California and The Tiajuana area in Mexico. It was prepared following the above principles. It avoids overlap of co-channel DTV and NTSC service areas, and reduces impact on LPTV stations, translator stations, unused assignments, and Land Mobile stations.

**V. COMMENTS OF THE WB NETWORK:
INCLUDE NEW STATIONS IN THE DTV UNIVERSE**

We concur with The WB Network on making preserving channel assignments and making DTV channel available to these stations. Hundreds of applications have been filed for new stations and many new stations have been authorized since 1991 which are not accommodated or are actually conflicted by the proposed DTV assignments.

**VI. COMMENTS OF TRINITY BROADCASTING NETWORK:
RELAX UHF TABOOS**

We concur with the Trinity Broadcasting network on relaxation of taboos and preservation of LPTV and translator stations. We specifically concur with their proposal to eliminate restrictions on LPTV stations seven channels below another NTSC station, the outright elimination of this taboo is a better proposal than merely relaxing limits as VenTech proposed on our November comments.

**VII. COMMENTS KSCI-TV AND COMMENTS OF FOUCE AMUSEMENT:
DTV STATIONS SHOULD BE UNIFORMLY BE BUILT
AT A SINGLE ANTENNA FARM IN A MARKET.**

We concur with these commenters that stations not operating on the main site in a market should be able to construct their DTV facilities at the main site. The coverage area should not exceed the grade B of the existing NTSC facility. Fill in transmitters should be used to serve areas which would otherwise be lost.

Co-siting of ATV and NTSC transmitters should be abandoned in favor establishing single antenna farms in a television market. The Commission has made some assumptions regarding ATV receiving antennas that will only be correct if receiving antennas are oriented

at the DTV station in question. Moreover, by allowing for DTV stations to be sited at a single location in market, more channels will be made available for LPTV.

In Los Angeles, for example, several broadcasters who transmit from Sunset Ridge, 22 miles east of Mt. Wilson, wish to place their DTV transmitters on Mt. Wilson. Not only would this allow for greater efficiency of broadcast spectrum, it would allow receiving antennas oriented toward Mt. Wilson to pick up all the stations in the market.

**VIII. COMMENTS OF TELEMUNDO:
DTV AND ADJACENT CHANNEL LAND MOBILE.**

We concur that adjacent channel situations between DTV stations and Land Mobile systems should be avoided wherever possible. Channel 15, between two channels (14 and 16) used by Land Mobile, is a particularly undesirable assignment. Complete avoidance of such situation will not always be possible. Our attached Southern California table included in Exhibit A, uses channel 15 from a site outside of the land mobile operating areas on channel 14 and 16. Commission rules do provide a 1.6 Km separation between land mobile stations on these channels and TV broadcast stations on several specific channels. Co-channel assignment situations between stations in San Diego or Tijuana, and stations on Mt. Wilson or other Los Angeles market sites cannot be avoided in all situations. More than 40 stations must be accommodated with DTV channels in Southern California and immediately adjacent portions of Mexico. The attached Exhibit A lists channels for Mexican stations in Tijuana and Tecate as an example of what will be necessary. Even if we do not consider potential assignments to Mexican stations, cochannel use by U.S. stations at less than NTSC distances is a part of all current DTV channel plans.

IX. COMMENTS OF THE BROADCASTERS CAUCUS: THE COMMISSION HAS MADE A FUNDAMENTAL MISTAKE IN ATTEMPTING TO DETERMINE OPERATING PARAMETERS OF DTV STATIONS AND SIMULTANEOUSLY CONFIGURE A DTV BROADCAST TABLE OF ASSIGNMENTS.

The FCC should not attempt to write any table of assignments at this time. There are too many changes in the table that are being requested, and there are too many changes in the establishment of criteria that are necessary. The table should be abandoned, and reestablished in a 7th Report and Order.

The Commission should abandon its proposed table until it finalizes its spectrum efficiency. Clearly, there is an advantage to preservation of low power television and if the cost that preservation is a minor modification of the UHF interference taboos, the Commission should allow that to happen.

X. COMMENTS OF BROADCASTERS CAUCUS: SPECTRUM REALLOCATION SHOULD BE POSTPONED UNTIL AFTER NTSC LICENSES ARE RETURNED TO THE COMMISSION.

There is no overriding need to reallocate spectrum at this time. In fact, there is increasing evidence that the Commission has "flooded" the market with too much spectrum and that dueling technologies may fail. The Commission utilize the full VHF and UHF bands for DTV assignments -- from channels 2 through 69. Upon return of the NTSC license to the Commission, the Commission will be able to efficiently break up larger blocks of bandwidth for greatest value according to the needs at that time.

**XI. COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION:
THE CONCEPT OF SECONDARY SERVICE
AND DISPLACEMENT COMPENSATION.**

There is a great disagreement about why low power television is a secondary service and what that means. When the several thousand low power stations were built in this country there was a general consensus that they could not interfere with full-service broadcast stations and land mobile channels, but that all other uses are acceptable.

Now many in Congress want to sell spectrum but know they do not have the political clout to charge full-service broadcasters for their DTV channel. The proposed DTV table of allotments is nothing but a means to take away low power television stations licenses, use those channels for DTV assignments, and provide other channels for spectrum sale.

Low power stations were never secondary to any other service. If the Commission allows the "taking" of low power station licenses for other uses, low power operators should be compensated by the offending displacing broadcaster to pay the low power station the appraised value of the station.

**XII. COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION:
THE COMMISSION SHOULD MODIFY ITS ALLOCATION METHOD
TO ENCOURAGE FULL SERVICE TELEVISION BROADCASTERS
TO NEGOTIATE IN GOOD FAITH ON CHANNEL POSITIONS
WITH LOW POWER TELEVISION BROADCASTERS.**

At meetings around the country, full service television broadcasters and low power television broadcasters have met, jockeying for changes in the proposed DTV table of allotments, while not knowing whether to base the starting point on the draft of the Commission or the draft of the Broadcast Caucus.

At the Region 1 meetings in Los Angeles, all broadcasters in Southern California except low power broadcasters were invited. Atrium Broadcasting Company proposed an alternative plan that would actually subject full service broadcasters to less interference on their DTV channels than either the Commission proposal or the Broadcast Caucus proposal. That proposal was reintroduced as part of the Comments of Venture Technologies Group in this rulemaking. Unfortunately, under the current Commission proposed assignment criteria, not only is there no incentive for preservation of low power television in the assignment process, there is actually an incentive to eliminate low power television.

Some broadcasters see that by utilizing the channel of a low power broadcaster for their DTV assignment instead of an alternative channel they can eliminate a competitor. Others view LPTV as a sacrificial lamb from which to steal frequencies that will never be abandoned.

If the choice is whether to provide Grade B duplication to full service DTV channels or to provide LPTV stations with protection, the latter should be chosen. Broadcasters should be required to accept a contour of 80% of their existing contour if it allows for the preservation of a low power station. By instituting such a rule, the Commission will force broadcasters to be more spectrally efficient in their choice of channels.

XIII. CONCLUSION.

The conventional wisdom is that the political realities of our time require the Commission to sacrifice low power television. The Commission has never taken away a channel from a licensee and given that frequency to another without a substitution of service.

The precedent is anticompetitive, antidemocratic and a step toward tyranny.

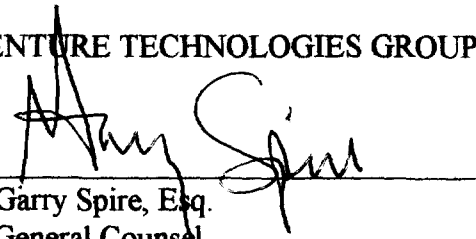
Low power television is the first broadcast service that initiated as a means to spread minority and women's ownership. It has succeeded in that way. To wipe out low power television behind the veil of calling it a secondary service is nothing but institutional racism and sexism. The telecommunications era treads heavily upon us, forcing us from our values. Local low power television must be preserved. It is a difficult decision to make. One must ask what Thomas Jefferson would do.

Many commenters are as enthusiastic about DTV as VenTech. However, not a single LPTV station should be lost to assign a DTV channel. It is not necessary and should be made an assumption of the service. Venture Technologies Group, on behalf of itself and its associated companies and clients, respectfully requests that the Federal Communications Commission incorporate the reply comments contained herein in its Rulemaking regarding Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service.

Respectfully submitted,

VENTURE TECHNOLOGIES GROUP

By


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January 23, 1997

Exhibit A: Proposed DTV Table of Allotments in Southern California

<u>City</u>	<u>NTSC Channel</u>	<u>DTV Allotment</u>
San Diego	8	31
	10	43
	15	65
	39	38
	51	52
	69	64
Tijuana, BC, Mexico	6	30
	12	18
	21	22
	27	28
	33	34
	45	46
	57	58
Tecate, BC, Mexico	49	48
	67	66
Los Angeles (Mt. Wilson)	2	26
	4	32
	5	41
	7	47
	9	48
	11	35
	13	36
	22	21
	28	27
	34	33
Santa Ana	40	39
Ontario	46	45
Corona	52	53
Los Angeles	58	69
	68	67
San Bernardino (Sunset Rdg)	18	17
	30	60
Anaheim	56	55

Exhibit A: Proposed DTV Table of Allotments in Southern California (continued)

<u>City</u>	<u>NTSC Channel</u>	<u>DTV Allotment</u>
Riverside	62	61
Huntington Beach	50	49
San Bernardino	24	25
Rancho Palos Verde (Cat Is.)	44	29
Avalon	54	66
Big Bear Lake	59	51
Twentynine Palms	31	29
Palm Springs	36	49
	42	23
Barstow	64	43
Ventura	57	65
Oxnard	63	23
Santa Barbara	3	19
	32	43
	38	15
	55	51
Bakersfield	23	31
	29	42
	17	54
	45	46
	65	66
San Luis Obispo	6	10
	33	34

Certificate of Service

I, Lawrence Rogow, hereby certify that on this 23st day of January 1997, I have caused an original and nine copies of the foregoing Venture Technologies Group's Comments on the Sixth Notice of Proposed Rulemaking to be mailed via Federal Express to the offices of the following:

Mr. William Caton
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554



Lawrence Rogow